

REMARKS

Claims 1-4 were originally pending in the application. New claim 5 was previously presented for consideration in the Response filed with the RCE papers on October 11, 2002. This papers supplements that response with an additional new claim 6 presented herein for consideration.

Claim 6 recites, similar to claim 5, that each of the stand up bags is conveyed having one of the opposite side surfaces resting on the conveyor surface, and wherein the drinking straw is applied to the other of the opposite side surfaces of each of the stand up bags. Claim 6 further recites that the bag also has a top end formed by a sealing line closing a filling opening, side surfaces which interconnect the bottom surface and the top edge and form an angle between them of less than 45° (see Fig. 1), and wherein the side surfaces are non-planar (see Fig. 2).

Geyssel fails to disclose or suggest all of limitations of newly added claim 6. Therefore, claim 6 is also believed to be in condition for allowance.

CONCLUSION

Consideration and examination of pending claims 1-5 and newly added claim 6 are hereby respectfully solicited in conjunction with the response submitted with the RCE on October 11, 2002. Claims 1-6 are believed to be in condition for allowance. Reconsideration and withdrawal of the rejections based on the Geyssel reference are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

Since the RCE was timely filed and all appropriate fees paid on October 11, 2002, no additional fees are believed due for submission of this paper. However, the Commissioner is hereby authorized any fee deficiency, or to credit any prior overpayment, to Deposit Account No. 13-2855 of the undersigned's firm.

Respectfully submitted,

By:



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November 4, 2002